



OIAD-750

Debbie Leota

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Tēnā koe Debbie Leota

Thank you for your email of 16 August 2023 requesting the following under the Official Information Act 1982 (the Act):

I made an OIA request (your handle OIAD-662) in May 2023 which MfE responded to after 60 working days (20 working days plus a 40 working day extension). MfE stated in its reply: "I can assure you that the Ministry asks each supplier undertaking contract work with us to declare any conflict of interest in providing goods and/or services or entering into a contract with us. The Ministry informs all suppliers that they must do their best to avoid situations that may lead to conflicts of interest arising. Suppliers must inform the Ministry immediately if any conflicts of interest arise."

Please provide copies of all correspondence, documents, reports that:

- 1. MfE generated and, received from third parties, in responding to the OIAD-662 to evidence that assurance; and*
- 2. outline MfE's policies and information about what constitutes a conflict of interest, that was provided to those contractors and consultants in order for them to make a proper declaration of a conflict of interest.*

I would also be grateful if you could provide all relevant emails and documents that contain MfE's reasons that 60 working days were required to respond to that request.

On 13 September 2023 the Ministry for the Environment (the Ministry) provided a response to the third part of your request and extended the timeframe to make a decision on parts one and two to 29 September 2023. The Ministry's response to these parts of your request is outlined below.

The Ministry has identified 14 documents in scope of your request as listed in the attached table. Some information within these documents has been removed as it is out of scope of the request or withheld under the following sections of the Act:

9(2)(a) to protect the privacy of natural persons

9(2)(b)(ii) as disclosure would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

You will note in documents 2.1 and 2.2 that the supplier raised a potential perceived conflict of interest in their declaration. At the time of this declaration it was determined no action was required as the potential perceived conflict of interest did not meet the risk threshold. Due to the small number of subject matter experts in this area in New Zealand, it is not unexpected that consultants in this space would have done previous work for other geothermal entities. As the consultant in this case was providing technical expertise and the responsibility for final decisions on any regulations or legislation remained with the Ministry, no action was considered necessary on the potential conflict raised by the supplier.

As our previous response to you stated that no supplier raised a conflict of interest, this potential perceived conflict should have been noted in that response. I apologise for this omission which was due to an administrative oversight. As outlined above, while the supplier raised it as a potential conflict it was not considered a conflict of interest at the time.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: ministerials@mfe.govt.nz.

Yours sincerely

Electronically approved by James Coombes

James Coombes
Acting Director Markets Climate Group

Document schedule

No.	Project description	Supplier	Documents	OIA grounds applied
1	Contractor for data and evidence lead NZ ETS review	Resource Economics/Tim Denne	1.1 AoG Consultancy Services Order	9(2)(a) 9(2)(b)(ii)
2	Geothermal Regulations Update	Geokem/ Kevin Brown	2.1 Email chain RE: Emissions Trading Scheme – Regulations for 2023 2.2 Contract and Conflict of Interest Declaration	9(2)(a) 9(2)(b)(ii)
3	Modelling of ETS impacts on the electricity market	Sam Harvey	3.1 Email Chain RE Quick question on EAF work 3.2 Contract	9(2)(a) 9(2)(b)(ii)
4	NZ ETS Market Governance	Strata Energy Consulting Limited/ Daniel Tulloch	4.1 AoG Consultancy Services Order 4.2 Email Chain RE Proposal to amend Daniel’s CSO with MfE	9(2)(a) 9(2)(b)(ii)
5	ETS Markets Governance	Strata Energy Consulting Limited / Daniel Tulloch, Philip Beardmore, and Ivan Diaz-Rainey	5.1 External Conflicts of Interest Declaration	Released in full
6	Defining problem re forestry in NZ Emissions Trading scheme	Resource Economics / Tim Denne	6.1 MfE Contract Accountability Statement and Contract	9(2)(a)
7	Member of IA review TAG	Resource Economics / Tim Denne	7.1 MfE Contract Accountability Statement and Contract	9(2)(a)
8	Member of IA review TAG	Niven Winchester (trading as an individual)	8.1 MfE Contract Accountability Statement and Contract	Release in full
9	Member of IA review TAG	Ivan Diaz-Rainey (trading as an individual)	9.1 MfE Contract Accountability Statement and Contract	Release in full
10	Member of IA review TAG	Firecone Limited / Andrew Sweet	10.1 MfE Contract Accountability Statement and Contract	9(2)(a)

11	Member of Industrial Allocation Review Technical Advisory Group	Frazer Lindstrom Limited /Stuart Frazer	11.1 MfE Contract Accountability Statement and Contract	Release in full
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